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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/713,026	11/17/2003	Lino Bergamelli	38015/GM/ch	9727

7590 05/05/2005  
MODIANO & ASSOCIATI  
Via Meravigli, 16  
MILANO, 20123  
ITALY

EXAMINER

HALE, GLORIA M

ART UNIT	PAPER NUMBER
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3765

DATE MAILED: 05/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/713,026

Applicant(s)

BERGAMELLI, LINO

Examiner

Gloria Hale

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 November 2003 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>7-23-04</u> . | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 3 it appears that the "2<sup>nd</sup>" recitation of the term "first plate shaped body" should read - - second plate shaped body- - .

### ***Specification***

The disclosure is objected to because of the following informalities: on page 3, line 6 the "second body" is not 12. On page 1, line 3 "bra" should read – bras- -.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 8 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Grunberger (US 6,292,984).

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Grunberger discloses a closure element with first and second plate shaped bodies each with a slot 4 at one end ; each first body having two recesses 71 and each second body have two tabs 70 and magnets 15,16 as claimed. (See Grunberger, figures 1,13 and a 14; col. 2, lines 35-55; col. 3, lines 1-50; col. 4, lines 5-15).

Claims 1, 2 and 4-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Boning (DE 20018405 U1).

Boning discloses the first and second plates 29,30 with magnets 36,37 and slots 32. (See Boning, Abstract and figures 1 and 10).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grunberger (US 6,292,984) in view of Boning (DE 20018405 U1).

Grunberger discloses the fastener structure on a clothing item closure including a magnet on a plate shaped first and second bodies and wherein each body has a slot 4 at one end for connection to a garment. The first plate shaped body includes two lateral recesses 71 as seen in figure 13 to correspond to two tabs 70 in the second plate shaped body. (See figures 13,14). The plate shaped

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bodies include magnetic disks with one portion being of ferromagnetic material and being nickel free material of zinc, aluminum and magnesium. (See col. 3, line 46). The magnets have the claimed polarity. However, Grunberger does not disclose the garment as being a brassiere with cups. Boring discloses a brassiere garment with magnetic closure. (See Boring, figures 1 and 10).

Accordingly it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the garment construction of Grunberger to be in the form of a brassiere for use with the fastener/closure device of Grunberger with the teaching of Boring with the cups and back portions as claimed. (See Boring, Abstract, figure 1).

(See Grunberger, figures 1,13,14; col. 2, lines 35-55; col. 3, lines 1-50; col. 4, lines 5-15).

Claims 3, 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over DE 20018405 U1 (Boring) in view of Grunberger (US 6,292,894).

Boring discloses the closure device as seen in figure 10 with the slot 4, recess 47 and tab 40. However, Boring does not disclose the tab as including two tabs and the recess as including two recesses wherein each tab is in one plate and each recess is in the complementary plate for complementary connection.

Grunberger discloses a closure connector with two tabs and two recesses that connect together within complementary plates as claimed. Accordingly it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the plates of Boring with the teaching of Grunberger to

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include multiple connecting tabs and recesses to provide for a better more secure attachment. Adding additional tabs and recesses would allow for amore firm connection between the plates since each connection between each tab and each recess would give a firm connection. (See Grunberger, figures 1, 13,14; Boring, Abstract and figures 1 and 10). (See Grunberger, figures 1,13,14; col. 2, lines 35-55; col. 3, lines 1-50; col. 4, lines 5-15).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gloria Hale whose telephone number is 571-272-4984. The examiner can normally be reached on Tues.-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Calvert can be reached on 571-272-4983. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Gloria Hale  
Primary Examiner  
Art Unit 3765

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